

REMARKS

In response to the non-final Office Action mailed December 7, 2007, Applicant has amended claims 1, 2, 32, 35, 41, 42, 47, 49, and 72, and canceled claims 5 and 45. Claims 1-4, 6-44, and 46-74 are presented for further examination.

35 U.S.C. § 101 Rejections

The Examiner rejected claims 1-4, 6-12, 15-18, 41-44, 46-52, and 55-58 under the doctrine of obviousness-type double patenting as being unpatentable over claims 1, 2, 4-10, 13-18, 20-26, and 29-32 of copending Application No. 10/535,473. Applicant has amended independent claims 1, 35 and 41 to include the limitation of claims 5, 1 and 5, and 45, respectively, which were not rejected under §101. As such, Applicant requests that this rejection be withdrawn.

35 U.S.C. § 112, second paragraph Rejection

The Examiner rejected claims 2, 3, 6-28, 35-40, 42, 43 and 46-48 under 35 U.S.C. § 112. Without conceding to the appropriateness of the rejections, Applicant has amended claims 1, 2, 35 and 42 and requests that these rejections be withdrawn.

Allowable Subject Matters

The Examiner indicated that previously pending claim 5, which depended directly or indirectly from independent claim 1, would be in condition for allowance if rewritten to include all of the limitations of its base claim (claim 1). Applicant has canceled claim 5, and amended claim 1 to include the limitations of previously pending claim 5. Applicant therefore requests reconsideration and withdrawal of the rejection of claim 1.

The Applicant also amended claim 35 to include the limitations of previously pending claims 1 and 5. Applicant therefore requests reconsideration and withdrawal of the rejections of claim 35.

The Examiner indicated that previously pending claim 45, which depended directly or indirectly from independent claim 41, would be in condition for allowance if rewritten to include all of the limitations of its base claim (claim 41). Applicant has canceled claim 45, and amended claim 41 to include the limitations of previously pending claim 45. Applicant therefore requests reconsideration and withdrawal of the rejections of claim 41.

Summary

In view of the foregoing remarks, applicant respectfully submits that the application is in condition for allowance and such action is respectfully requested at the examiner's earliest convenience.

All of the dependent claims are patentable for at least the reasons for which the claims on which they depend are patentable.

Canceled claims, if any, have been canceled without prejudice or disclaimer.

Any circumstance in which the applicant has (a) addressed certain comments of the examiner does not mean that the applicant concedes other comments of the examiner, (b) made arguments for the patentability of some claims does not mean that there are not other good reasons for patentability of those claims and other claims, or (c) amended or canceled a claim does not mean that the applicant concedes any of the examiner's positions with respect to that claim or other claims.

Applicant's undersigned attorney can be reached at the address shown below. All telephone calls should be directed to the undersigned at 617-956-5986.

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Page : 22 of 22

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Respectfully submitted,

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